

REMARKS

Applicants note with appreciation the allowance of this case in the Notice of Allowance mailed June 17, 2004.

Specification amendments

In the course of preparing the application for grant, applicants have reviewed the specification and have found that the above errors require amendment. This amendment to the claims does not require a new search and is not a substantive change from conceptual considerations.

Claim amendments

The notice of allowance indicated only that claims 1-20 have been allowed, and that previously presented new claims 21-32 were "eliminated" as being "duplicates" of allowed claims. See Detailed Action, p.3. Applicants submit that new claims 21-32 are not duplicated in allowed claims 1-20, and should also be allowed. Reconsideration is respectfully requested for the reasons given below.

In their amendment dated August 27, 2003, applicants added new claims 21-32 to place in independent form original claims 4-7, 10-13 and 17-20, which were indicated in the office action of May 30, 2003 as being allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims. Specifically, claims 4-7 were rewritten as independent claims 21-24, respectively, including all limitations of original base claim 1; claims 10-13 were rewritten as independent claims 25-28, respectively, including all limitations of original base claim 8; and claims 17-20 were

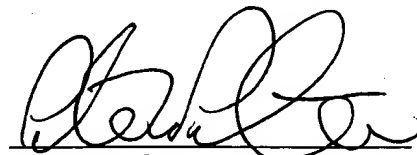
rewritten as independent claims 29-32, respectively, including all limitations of original base claim 14.

In that same amendment, applicants amended original independent claims 1, 8 and 14 to add subject matter that included specifying that the first and second measurement features replicate a feature of the corresponding first and second layer active circuit features selected from the group consisting of size, pitch and shape of the first or second layer active circuit feature and proximity of the first or second layer active circuit feature to any other structure. Thus, while claims 1-20 all now include this added subject matter by virtue of it being incorporated into amended independent claims 1, 8 and 14, the new claims 21-32 did not, since they were written on the basis of original independent claims 1, 8 and 14, which did not contain this added subject matter. The new claims 21-32 previously presented in the applicants' amendment of August 27, 2003 are replicated above.

Accordingly, it is respectfully submitted that the present amendment should be entered under the provision of 37 CFR 1.312 and that previously presented new claims 21-32 also be indicated as being allowed.

At this time, the issue fee has not been paid.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter W. Peterson', written over a horizontal line.

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